

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

J.O.,

Case No. 2:22-cv-01908-NJK

Plaintiff(s),

Order

v.

KILOLO KIJAKAZI,

Defendant(s).

On November 14, 2022, the Court denied the application to proceed *in forma pauperis* and ordered Plaintiff to pay the filing fee by December 14, 2022. Docket No. 4. Plaintiff did not comply with that order. On December 27, 2022, the Court ordered Plaintiff to show cause why this case should not be dismissed. Docket No. 7. Plaintiff's counsel filed a response indicating that his client has not provided the funds for the filing fee and has stopped communicating. Docket No. 8 at 1-2. Plaintiff's counsel further indicates that, "[w]ithout the filing fee, J.O.'s cause of action cannot commence and should be dismissed." *Id.* at 2.

Initiating a federal lawsuit generally requires payment of a filing fee. *See* 28 U.S.C. § 1914(a). When a plaintiff has been denied *in forma pauperis* status and refuses to pay the filing fee, their case is subject to dismissal on that ground. *See, e.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 28, 2021). Plaintiff's case here is subject to dismissal given the failure to pay the filing fee despite the denial of the application to proceed *in forma pauperis*.

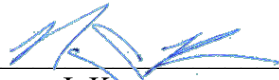
Moreover, Plaintiff's refusal to comply with the Court's order has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly

1 administration of justice. There is a presumption of prejudice to the defense stemming from the
2 unreasonable delay. *Anderson v. Air West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Sanctions less
3 drastic than dismissal are unavailable because Plaintiff has refused to comply with the order of this
4 Court notwithstanding the warning that case-dispositive sanctions may be imposed.

5 Accordingly, Plaintiff's complaint is hereby **DISMISSED** without prejudice. The Clerk's
6 office is **DIRECTED** to close this case.

7 IT IS SO ORDERED.

8 Dated: January 19, 2023

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12 Nancy J. Koppe
13 United States Magistrate Judge
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